

## REMARKS

### Status of the claims

Claims 1-18 are pending. The rejections of claims 1-3 and 6-7 under 35 U.S.C 102(b) and of claim 5 under 35 U.S.C. 103(a) are affirmed by The Board of Patent Appeals and Interferences. Additionally, the provisional rejections of claims 1-7 under 35 U.S.C. 101 for double patenting and of claims 8-18 for obviousness-type double patenting are affirmed. The rejection of claim 4 under 35 U.S.C 102(b) is reversed and the rejection of claims 1-18 under 35 U.S.C. 103(a) is vacated. Claims 10 and 18 are amended. Claims 1-7 and 12-15 are canceled. No new matter is added.

### Claim amendments

Claims 10 and 18 are amended to correct grammar. No new matter is added.

The 35 U.S.C. §101 provisional double patenting rejection

Claims 1-7 are rejected provisionally under 35 U.S.C. 101 as claiming the same invention as claims 1-7 of application U.S.S.N. 08/631,470. Applicant respectfully traverses this rejection.

Applicant has canceled claims 1-7. Accordingly, Applicant respectfully requests that the rejection of claims 1-7 under 35 U.S.C. 101 be withdrawn.

The obviousness double patenting rejection

Claims 1-18 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting over U.S.S.N. 08/631,470 in combination with the abstracts of **Sobel, Gross and Giron**. Applicant respectfully traverses this rejection.

Applicant has canceled claims 1-7 and 12-15 and provides a Terminal Disclaimer for claims 8-11 and 16-18. Accordingly, Applicant requests that the obviousness-type double patenting rejection of claims 1-18 be withdrawn.

The 35 U.S.C. §102(b) rejection

As affirmed, claims 1-3 and 6-7 are rejected under 35 U.S.C. §102(b) as being anticipated by **Cummins**. Applicant respectfully traverses this rejection.

Applicant has canceled claims 1-3 and 6-7. Accordingly, Applicant respectfully requests that the rejection of claims 1-3 and 6-7 under 35 U.S.C. §102(b) be withdrawn.

The 35 U.S.C. §103(a) rejection over Cummins

As affirmed, claim 5 is rejected under 35 U.S.C. §103(a) as being obvious over **Cummins**. Applicant respectfully traverses this rejection.

Applicant has canceled claim 5. Accordingly, Applicant respectfully requests that the rejection of claim 5 under 35 U.S.C. §103(a) be withdrawn.

The 35 U.S.C. §103(a) rejection over Cummins, Shibutani and the Abstracts of Sobel, Gross and Giron

The Board of Patent Appeals and Interferences has vacated the rejection of claims 1-18 under 35 U.S.C. §103(a) as

being obvious over **Cummins** in combination with **Shibutani** and the Abstracts of **Sobel, Gross and Giron**.

This is intended to be a complete response to the Decision on Appeal mailed September 6, 2002. If any issues remain outstanding, the Examiner is respectfully requested to telephone the undersigned attorney of record for immediate resolution. Please debit the \$705 fee (\$650 petition fee under 37 C.F.R. 1.17(m) and \$55 Terminal Disclaimer fee under 37 C.F.R. 1.20(d)) to revive the instant application and to file the Terminal Disclaimer, or any additional fees, from Deposit Account No. 07-1185 on which the undersigned is allowed to draw.